





## THE TOWN OF FENWICK ISLAND

800 Coastal Highway Fenwick Island, DE 19944

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www.fenwickisland.delaware.gov

### Regular Meeting of the Town Council The Town of Fenwick Island April 24, 2009 @3:30 PM AGENDA

- 1. Flag Salute and Call to Order
- 2. Topics for Discussion and Possible Action
  - a. Introduction of New Town Manager Mayor Serio
  - b. Facebook, Twitter, Pay Pal Council Member Smallwood
  - c. Recycling Contract Award Town Manager
  - d. Planning Commission Request for Funding Winnie Lewis
- 3. Approval of Minutes from March 27, 2009 Regular Council Meeting.
- 4. Treasurer's Report: Gardner Bunting
- 5. Town Manager's Report
  - a. Update on Artesian Water
  - b. Update on E911 Addressing and Street Renaming
- 6. Department Reports: Beach, Building, Public Works and Police Department
- 7. Committee Reports: Beach, Commercial, Environmental, Parks & Recreation
- 8. Planning Commission: Winnie Lewis
- 9. Charter and Ordinance: Bill Weistling
  - a. Proposed First Reading: Chapter 160 Zoning ADD §160-2B (Definitions and Word Use) and ADD §160-7 Renewable Energy Systems
  - b. Proposed Second Reading: Chapter 52 Beaches §52-14 Violations and penalties
- 10. Old Business
- 11. Public participation
- 12. President's Report
  - a. Service Awards Dan Heller (Public Works) 5 years
  - b. Voter Registration
  - c. Tree City USA Award
- 13. Upcoming Events and Meetings
  - a. May 5 Charter & Ordinance Committee 9:30
  - b. May 12 Cultural & Historic Preservation Sub-committee and Planning Commission 1:00 and 2:30 respectively
  - c. May 13 Environmental Committee 2:00
  - d. May 16 Beach Clean-up 9:00 Meet on Dagsboro Street Beach
  - e. May 25 Memorial Day Holiday Town Hall closed for all business except the sale of Parking Permits
  - f. May 28 Commercial Liaison Committee 3:30
  - g. May 29 Public Hearing (1406 Bora Bora Sub-division) 2:45
  - h. May 29 Regular Council Meeting 3:30
  - i. June 13 Public Workshop (Overlay Districts) 10:00 Noon
- 14. Adjournment

This agenda is subject to change to include the deletion of items and the addition of items, including Executive Sessions, which arise at the time of the meeting.

Posted: April 16, 2009

# Planning Commission Cultural and Historic Preservation Sub-committee Request for Funding April 24, 2009

The Cultural and Historic Preservation Sub-committee is finalizing plans for Old Fenwick Island Days to be held from August 1-8, 2009. Events will be held at the Fenwick Lighthouse, Fenwick Island Town Hall and Fenwick Island Park. A tentative agenda follows:

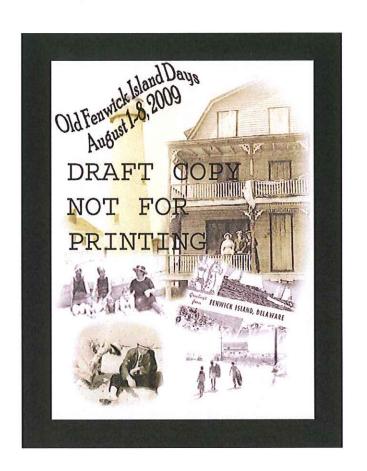
August 1	Open house at the Lighthouse to celebrate its 150 <sup>th</sup> Anniversary
August 2	Extended hours at the Lighthouse
August 3 – 7	Fenwick Island Town Hall open to view photo display and artifacts; participants
	encouraged to bring old photos to be scanned into a digital archive.
August 6	Fenwick Island Walking Tour
August 7	Extended hours at the Lighthouse for National Lighthouse Day
August 8	Fenwick Festival in the Park

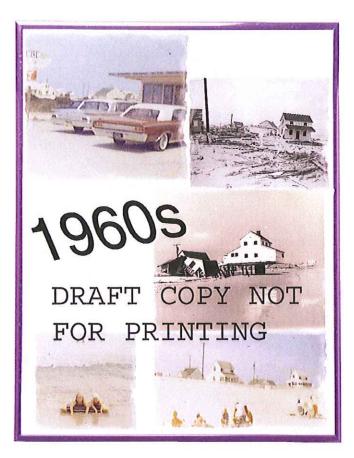
In support of these activities, the Planning Commission requests The Town of Fenwick Island approve funding not to exceed \$3000. The Sub-committee will solicit sponsors from the community and apply to the Delaware Humanities Forum for grant assistance that may reduce the amount needed to fund the project. The Sub-committee has developed the skeleton budget outlined below:

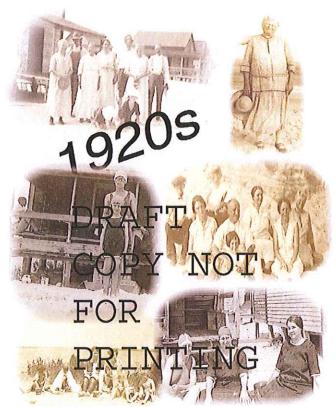
Posters – 11X14 for sale to the public	#100 @ \$1.29 each (Beach Copy)	\$ 129.00
Poster on photo quality paper 11X14 matted and framed for raffle	Vendor undetermined	60.00
Posters for distribution to businesses to advertize event that include legend with events	In-house	10.00
Photo Displays @22X18 mounted on foam board for display in Villalon Hall	#7 @ \$65.00 each (Beach Copy)	455.00
Hardware for hanging	Eye hooks, fishing wire, mounting hooks	15.00
Musical Entertainment in the Park		500.00
Raffle Tickets and Miscellaneous items		60.00
Program for Fenwick Festival in the Park		10.00
Signs to be placed at homes on the Walking Tour	Vendor undetermined	1000.00
Walking Tour Brochure	In-house	20.00
	Estimated Budget	\$2259.00

The Planning Commission respectfully requests Town Council's assistance in this endeavor. In support of our request we are attaching draft copies of some of the intended displays.

Respectfully Submitted, Winnie Lewis, Chair Planning Commission









Call to Order and Flag Salute at 3:30pm by Mayor Serio.

Council in Attendance: Weistling, Bunting, Serio, Clark, Carmean and Smallwood.

Absent: Tingle

Topics for Discussion and Possible Action:

- a. Census 2010 Presentation Kathy Dondarski (US Census Bureau) Did not attend. No presentation; no action.
- b. Delaware Bike Summit Jim Westin (DelDOT) Did not attend. No presentation; no action.
- c. Fenwick Island Farmers Market Ellen Magee Ms. Magee has obtained permission from PNC Bank to use their lot on SR1 at E. Essex St. The market will be held on ten (10) Mondays beginning June 29, 2009 from 8AM to Noon. The organization is in the process of obtaining not-for-profit status. Ms. Magee requested the Town's assistance with advertising the event on its website and in the FIN letter and asked for a member of Council to sit on the Farmer Market board. The Market will display a 30 sq ft sign. Pat Schuchman, Building Official, verified with Town Solicitor and affirmed that this is an allowable use and that the sign should be 10' from the right of way.

#### DISCUSSION:

Council Member Carmean asked if the plan had been reviewed by the Chief of Police; Chief Boyden advised he did review it and does not anticipate any problems. Mayor Serio said that parking at the previous location was inadequate; Council Member Smallwood is glad to see the market return. Council Member Carmean expressed concern that the sign will be permanent and in place year-round. Ms. Magee said that banners are difficult to maintain in this windy area and that the 30' sign will be more durable and give better visibility; it can be removed at the end of the season. Council Member Bunting advised that he is in agreement with the plan provided the sign is removed at the end of the season. Council Member Weistling questioned "not-for-profit" designation and what it entails. Ms. Magee advised that one vendor will be on the board; this is a "producer market" meaning that all produce/goods must be grown or manufactured by the vendor. There is an emphasis on local produce; a fee of \$15 is assessed for each day a vendor sells at the market (max \$150 for this year's 10-week run). As an NFP the market will be eligible to apply for grants and other funding; the not-for-profit status lasts 12 months and does not dissolve when the selling season is over. Carrie Bennett (Bennett Orchards) advised that the Fenwick Island Farmers Market is modeled after the successful Bethany Beach Farmer Market. Council Member Clark asked if the vendors are from Delaware only; Ms Magee advised that, unless a vendor has a unique product that cannot be duplicated by a Delaware vendor, all vendors are based in Delaware. Council Member Clark volunteered to sit on the board. Mayor Serio advised, in the interest of fairness, that she is a relative of Ms. Magee.

d. Planning Commission Request to replace the current Parks and Recreation/Beautification Committee with a Planning Commission Sub-committee to be known as the Parks and Recreation Sub-committee – Winnie Lewis, Planning Commission Chair Mrs. Lewis presented the Planning Commission request and advised that the current Parks and Recreation/Beautification Committee has not met. It is important that a sub-committee be formed in order to assist the Planning Commission with implementation goals as well as to plan recreational activities for the summer.

#### DISCUSSION:

Council Member Carmean commended the Planning Commission for its energy and ambition but believes that the current Parks and Recreation/Beautification Committee did not work this year because there is no Council liaison with the Committee nor a Town Manager to guide its activities. Mayor Serio advised that this proposal is to form a sub-committee to assist the Planning Commission with implementation of stated goals and that the Town Committee did not have this purpose. Mayor Serio believes a structured committee is needed to carry out Plan implementation. Mrs. Lewis advised that this sub-committee would have members who are not currently on the Planning Commission, Cultural and Historic Preservation Sub-committee and Town Parks and Recreation/Beautification Committee. Council Member Clark advised that the Commercial Liaison Committee discussed the same structure and is considering a request to become a sub-committee from the Planning Commission in order to coordinate implementation goals as they relate to the Commercial Community. Council Member Carmean advised that the Environmental Committee functions well outside the Planning Commission and is following implementation guidelines from the Plan. Mrs. Carmean expressed discomfort that the Planning Commission will lose its planning purpose if it absorbs other committees; she questioned Council Member Clark about a mission statement and goals for the Commercial Liaison Committee. Council Member Clark advised that the CLC has discussed this; it is a different structure but Mr. Clark believes it can work. Council Member Carmean advised that there should not be any problem with committees if they have a mission statement. Council Member Clark advised that he does not believe the sub-committee concept would be a problem but rather a better way of looking at things. Mayor Serio questioned if a sub-committee is the correct way to go; Council Member Weistling said that he likes the idea of a sub-committee/part of the Planning Commission. Mr. Weistling advised that the Charter and Ordinance Committee has had difficulty with implementation since the committees in question lack structure. Council Member Bunting agreed. Council Member Carmean wants Council to wait before taking action until a new Town Manager is hired. Mayor Serio asked if next month would be too late to make a decision; Mrs. Lewis said it is not too late but certain matters need to be addressed soon. Mayor Serio directed Mrs. Lewis to meet with Interim Town Manager Tom Wontorek to explore a structure for the sub-committee and the process for naming its members; they are to structure a request to be presented to Council at its next regular meeting on April 24, 2009.

e. Linking Policy – Interim Town Manager Tom Wontorek Interim Town Manager Tom Wontorek presented the following "Linking Policy" that has been reviewed by Town Solicitor Steen:

#### Links from the Town of Fenwick Island Web Site

The purpose of the Town of Fenwick Island's web site is to provide citizens, businesses and visitors a wide range of information about the Town. As part of this public purpose, the web site includes links to outside web sites compatible with this goal. The Town has no control over the format, content, or accuracy of any information found on any web site not a part of Town's web site (specifically, any site not a part of the domain fenwickisland.org). The Town is not responsible for, does not endorse, and cannot assure the accuracy of information on outside web sites.

The following criteria will be used in considering requests for links from the Town of Fenwick Island's web site. If a particular request is not granted, the requester may ask the Town Council to decide whether to approve the request. The Council will review the merits of the requested link, keeping in mind the following criteria, to determine whether it serves the overall purpose of the Town's web site.

The Town reserves the right to determine how and where external links will appear on its web site; i.e. what page the link appears on and where the link is placed on the page.

The Town's web site may provide links to web sites for:

- · Governmental and educational institutions
- · Organizations funded or created by the Town of Fenwick Island

- · Nonprofit neighborhood associations within the Town of Fenwick Island
- Non-partisan web sites that encourage the informed and active participation of Fenwick Island residents in government
- Organizations providing the public with information or access to the arts, humanities, culture or education
- · Nonprofit organizations providing employment, health and other services to Fenwick Island residents
- · Web guides providing information about Fenwick Island hotels, restaurants, retail stores and similar businesses
- · Local and regional media web sites
- Organizations partnering with the Town of Fenwick Island to meet the Town's strategic or operational goals

#### The Town's web site will not provide links to web sites for:

- · Candidates for local, state or federal offices
- Political organizations or other organizations advocating a position on a local, state or federal issue
- Corporate or other for-profit organizations unless they fit any of the criteria stated above
- · Individual or personal home pages

#### Linking to the Town of Fenwick Island Web Site

Links to the Town's web site are permissible, and are in fact encouraged. However, we do ask that links point to the home page (<a href="http://www.fenwickisland.delaware.gov">http://www.fenwickisland.delaware.gov</a>) rather than to any specific internal page, as those links may change from time to time.

Mr. Wontorek advised that the policy, if adopted by Council, will be published on the Town Website. Policy will be administered by Town Staff; appeals may be made to Council.

#### DISCUSSION:

Mayor Serio asked about the process for linking and Mr. Wontorek explained that the entity will request permission of the town. Council Member Carmean asked if this is document contains everything the Town needs; Mr. Wontorek advised this is a complete statement of policy.

Motion to accept the Linking Policy as presented: Council Member Carmean Second: Council Member Bunting DISCUSSION: None Vote to accept the Linking Policy as presented: All in Favor Motion carried (6-0)

f. Overlay District Proposed Public Workshop – Council Member Clark
Council Member Clark proposed a public workshop to educate Council and the community about
Overlay Districts, their functions, advantages/disadvantages. This is an assist to the Charter and
Ordinance Committee at the request of the Commercial Liaison Committee in Comprehensive
Plan Implementation Objectives. Council Member proposes Sussex County Circuit Rider, Bryan
Hall (State of Delaware Office of Planning) bring his staff to Town Hall one Saturday in May or
June to explain the concept.

#### DISCUSSION:

Mayor Serio advised that this process is to offer an explanation of the concept and does not require a motion to proceed.

#### Approval of Minutes:

Motion to Approve the Minutes of February 27, 2009 Meeting: Council Member Clark Second: Council Member Smallwood

#### DISCUSSION:

Council Member Carmean presented three (3) changes as follows:

RE: Page 2, Solar Panel Permit Fee at time marker 47:00 – Correct first sentence to read "Council Member Carmean questioned how the suggested Solar Panel Permit Fee was determined." Council Member Weistling advised ... Strike "Council Member Carmean suggested that \$100 is not adequate."

RE: Page 2, Treasurer's Report at time marker 54:02 – Correct first sentence to read " Council Member Carmean asked why the ambulance service and garbage collection fees on page 2 were reported at 111% and 102% of the budget."

RE: Page 4, President's Report, discussion section, at time marker 79:19 - Delete the "None" and add "Council Carmean advised that this "resolution" is needed by the Town in order to recertify for the Tree City USA membership, which is an important factor in grant process."

Mayor Serio questioned if the title of the Solar Panel Permit Fee had been changed to "Renewable Energy Permit Fee." Council Member Weistling advised that it had not been changed because the term was too broad and this Permit Fee applies only to Solar Energy.

Vote to approve minutes with above noted changes – All in favor Motion carried (6-0)

#### Treasurer's Report:

Council Member Bunting presented Treasurer's Report. Motion to Accept the Treasurer's Report: Council Member Clark Second: Council Member Carmean

#### **DISCUSSION:**

Mayor Serio is concerned about FIPD vehicle maintenance. Chief Boyden advised that the fleet is fairly new now and should not require as much maintenance. Council Member Carmean noted that FIPD supply costs have almost doubled. Chief Boyden advised that the cost of ammunition has soared due to war.

Vote to accept the Treasurer's Report as presented – All in favor Motion carried (6-0)

#### Town Manager Report:

 Interim Town Manager Tom Wontorek reported that a Recycling contract was let out for bid with bids opened on March 24, 2009. There were three (3) bids with First State Disposal @\$1.50 per pick up and fixed for a three-year period beginning September 2009 being the low-bid.

#### DISCUSSION:

Council Member Weistling noted that another bidder (Allied) had included a bid bond and asked if the other bidders did as well. Mr. Wontorek advised that the other bidders included checks in lieu of a bid bond. Council Member Weistling asked if a bond will be required when the bid is awarded; Mr. Wontorek

advised that a Performance Bond will be required of the successful bidder. Council Member Clark questioned the level of service to be provided; Mr. Wontorek advised it will be the same as the current service. All equipment will remain but the successful bidder will provide labels to cover the DSWA logo on the current containers. New bins with the new company logo will be provided when new users are added. Council Member Clark asked if the new recycling contract will include recycling of household batteries; Mr. Wontorek will research and advise. Council Member Carmean asked if the new provider will handle recycling in a different manner; Mr. Wontorek advised it will continue to be single-stream recycling; i.e., all recyclables will go in a single container.

- Mr. Wontorek advised that all those intending to vote in the upcoming Town election must register with Town Hall.
- Recycling has increased to ≈8000# over January 2009's figure of ≈7000#.

#### **Department Reports:**

- Beach Patrol: No report.
- Building Official Building Official Pat Schuchman noted that her report is included in the meeting booklet and that Phyllis Tralla will be in Town Hall on May 7 and 8 to review assessments.
- Public Works: Mr. Wontorek noted that the report is included in the meeting booklet.
- Fenwick Island Police Department: Chief Boyden noted that the report is included in the meeting booklet.

#### DISCUSSION:

Council Member Weistling asked the reason that the Traffic Citations are up; Chief Boyden responded that there has been an increase in traffic over last year.

#### Committee Reports:

- Beach Committee: Council Member Smallwood reported that Spring Beach Cleanup is 9 AM, Saturday May 16, 2009 at Dagsboro Street Beach. This is a Town function and there will not be any t-shirts given out as with the DNREC-sponsored (fall) activity.
- Commercial Liaison Committee: Council Member Clark reported that other than what was discussed
  previously under topics for discussion and possible action section (d.) there is nothing else to report.
- Environmental Committee: Buzz Henifin gave a brief overview of the Committee's progress. Sally Boswell from CIB has assisted the Committee with identifying an area that would be a good choice for a demonstration rain garden. This is at the bay end of Georgetown Street. It is approximately 900' ft between the fence line and the water with culverts that drain into it from both sides of the street. Chuck Welch will bring rain barrels to a future meeting and the committee is requesting those who are interested to please contact them. Mr. Henifin will provide a link to be placed on the Town website to an organization that provides a formula to compute your carbon footprint. Mr. John Belian is taking photos of the trees in order to proceed with possible replacement under the Tree Triage Grant. The April 8 meeting will not have a speaker but the May 13 meeting will feature Chris Basen from the Center for the Inland Bays. Mr. Henifin expressed concern that dog trash was not being picked up and Mayor Serio advised that the situation has been addressed. Mr. Henifin expressed a concern that recycling in the town hall is not being done properly; Mayor Serio suggested that the subject will be addressed in the next FIN.

#### Planning Commission:

Winnie Lewis reported that commission's report is included in the meeting booklet. Mrs. Lewis requested that Council consider funding Planning Commission projects, especially Old Fenwick Island Days. Mayor Serio advised Mrs. Lewis to provide Town Manager Tom Wontorek with a budget for consideration. Mrs. Lewis reported that the old "Welcome" sign has been refurbished

and is now on the wall in town hall. Council Member Weistling thanked Public Works employee Dan Heller for doing such a good job on it.

#### Charter & Ordinance:

Council Member Weistling motioned to accept a First Reading for Chapter 52 Beaches (attached).
 Council Member Clark seconded.

#### DISCUSSION:

Council Member Weistling advised that this change is being made in order to specify a fine at Chief Boyden's recommendation. JP Court has requested clarification and suggested that a specific fine should be noted.

Vote to accept the First Reading of Chapter 52 Beaches as noted – All in favor Motion to Accept the First Reading passed (6-0)
Second Reading scheduled for April 24, 2009

Council Member Weistling motioned to accept a Second Reading to delete in its entirety Chapter
 5 Aldermen

Council Member Carmean seconded.

#### DISCUSSION:

Council Member Weistling noted that Chapter 5 Aldermen will be left in the Charter but removed from the Code. If reinstated in the future, it will need to be be rewritten.

Vote to accept Second Reading to delete in its entirety Chapter 5 Aldermen - All in favor Motion to accept Second Reading passed (6-0)

#### Old Business - None

New Business – Introduced by Mayor Serio

Council Member Smallwood noted that voter registration is slow and he is concerned that the
Town is not reaching people with needed information. Mr. Smallwood has suggested that the
Town explore a Facebook presence as well as Twitter in order to reach more people. He also
suggested Pay Pal for paying taxes. Mayor Serio suggested he present these items at the next
council meeting for discussion and possible action.

#### **Public Participation:**

- Buzz Henifin (48 W Farmington EXT) noted an overage in the FIPD supplies portion of the Treasurer's Report; and that 99% of taxes are paid. Building Official Pat Schuchman advised that one (1) property owner has not paid taxes and that the information is posted on the bulletin board.
- Dick Bowman (7 W Dagsboro) asked about the electronic sign retrofit. Mayor Serio advised that the grant is still pending. Mr. Bowman asked what the Emergency Management Committee's function is and that no one advised him when the electricity in town would be restored during the recent storm. Mayor Serio advised that both she and Council Member Bunting worked on the problem with the electric provider. Chief Boyden advised that cell phones will work when land lines do not and that his department checked on residents during the incident. Several residents came to town hall to warm up since the town hall is

equipped with an emergency generator. Chief Boyden noted that this is an example of an event for which property owners need to prepare.

 Mike Quinn (4 W Houston) – believes that the recommendation for Parks and Recreation to be a sub-committee of the Planning Commission is a good one and that the current Parks and Recreation/Beautification Committee should remain as it is.

#### President's Report:

- Mayor Serio announced the Service Awards given to Charlie Smith (Public Works) 10 years of service and CPL Stephen Majewski (FIPD) 5 years of service.
- Mayor Serio announced the receipt of a check for \$300 from the Fenwick Island Women's Club to be used toward the purchase of another beach wheelchair.
- Mayor Serio attended a meeting in Washington DC along with other members of the
  Delaware League of Local Governments (DLLG). They met with Senate and Congressional
  representatives and discussed the economy. Stimulus funds will be going to the State and
  then the State will make disbursement under very tight guidelines especially to the largest
  six cities in Delaware. More funds will be released later that with less stringent
  requirements. The State is making small cuts in SALLE and road funding; the transfer tax
  status may remain untouched.
- DNREC will meet with Mayor Serio and others involved with Lifeguard coverage for state beaches on April 8. Council Member Weistling noted that DNREC is slow to commit; Mayor Serio advised that DNREC does have a proposal and will present it.
- Voter registration is slow. All must register in order to be eligible to vote in the upcoming town election.
- Mayor Serio made note of upcoming meetings and events. The next regular Council meeting is April 24, 2009 @3:30 PM. The May Council meeting has been changed to May 29, 2009.

Motion to Adjourn- Council Member Clark Second - : Council Member Bunting Vote -: All in favor Motion passed (6-0) Mayor Serio adjourned the meeting at 4:55 PM.

Respectfully submitted,

Audrey Serio, Mayor/President of Council Recorded and Transcribed by Agnes DiPietrantonio, Town Clerk

#### EXISTING:

#### **CHAPTER 52 - BEACHES:**

#### ARTICLE III. Activities Prohibited on Dunes Within Corporate Limits of Town

#### § 52-12. Prohibited activities.

A. It shall be unlawful for any person to operate any equipment or ride or drive any horses or other animals on, over or across the primary dune or beach.

B. It shall be unlawful for any person to walk on, over or across the primary dune except at those locations specified by the State of Delaware or the Town of Fenwick Island, Delaware. C. It shall be unlawful for any person to remove sand from the beach or dune, or alter, move, remove or destroy any sand fence, barrier, sign, facility, improvement or structure installed and maintained by the State of Delaware or the Town of Fenwick Island, Delaware, for the enhancement, preservation or the protection of the beach.

D. It shall be unlawful for any person to kill, destroy or remove any trees, shrubbery, beach grass or other vegetation growing on the beach or dunes.

E. It shall be unlawful for any person other than state or Town officials to operate any automobile, OHV or other type of motor vehicle over any sand dune or stretch of sand eastward of the easternmost building setback line along Bunting Avenue.

#### § 52-13. Exempt activities.

State of Delaware or Town of Fenwick Island, Delaware, official or authorized personnel or activities on the primary dune or beach are exempt from the provisions of this article.

### § 52-14. Violations and penalties.

Any person violating Article [II] prohibitions shall be fined and imprisoned commensurate with DNREC and or state guidelines.

#### PROPOSED:

#### § 52-14. Violations and penalties.

Any person convicted of violating Article III prohibitions shall be fined \$250.00. Each day of a separate continuing violation shall be deemed a separate offense.

## TOWN OF FENWICK ISLAND

## FINANCIAL STATEMENT

FOR THE PERIODS ENDED MARCH 31, 2009

	Actual March 09	Actual Aug - Mar 09	Budget	% of Budget
Revenues	March 02	Aug - Mai 02	Duuger	70 0. Dauget
Taxes				
Property Taxes	\$ -	\$ 620,170	\$ 625,000	99%
Realty Transfer Tax	Ψ -	249,756	-	100%
*	924	233,766	262,000	89%
Rental Receipt Tax	12	255,700	169,000	0%
Prior Year Revenue in Excess of Expense		1,103,692	1,056,000	105%
Total Taxes	-	1,103,072	1,050,000	100,
Charges for Services - Administration				
License Fees - Contractors	1,584	30,271	35,000	869
License Fees - Rentals	396	17,688	22,500	79%
License Fees - Merchants	430	19,601	25,000	789
Ambulance Service Fee	S#6	29,799	26,730	1119
Garbage Collection Fees	SE	123,073	121,000	1029
Comcast Cable Fees	æ	17,820	32,000	569
<b>Building Permit Fees</b>	1,960	10,949	100,000	119
Total Charges for Services - Administration	4,370	249,201	362,230	699
Fines & Forfeitures				
Tax Penalties	45	2,000	3,000	67
Traffic Fines	2,158	25,013	35,000	71
Parking Violation Fees	325	11,466	20,000	579
Total Fines & Forfeitures	2,528	38,479	58,000	669
Investments	**		10.100	201
Interest	12	6,858	18,168	389
Total Investments Income	12	6,858	18,168	389
Miscellaneous Revenue - Administration				
Parking Permits	Time.	3,325	20,000	17
Sale of Equipment	35	2,005	5,000	40'
Insurance Reimbursements	23 2 23	11,391	24	100
Miscellaneous Income	405	4,703		100
Total Miscellaneous Revenue - Administration	440	21,424	25,000	86
Miscellaneous Revenue - Police				100
Police Accident Report Fee	-	150	-	100
Total Miscellaneous Revenue - Police	-	150	-	100
Intergovernmental Revenue Lifeguard		10.000	(5,000	20
State Beach Lifeguard Revenue		18,000	65,000	28
Total Intergovernmental Revenue Lifeguard	-	18,000	65,000	28
Intergovernmental Revenue Police				
County Police Grant	_	25,000	25,000	100
Salary Reimbursement	ä	4,729	13,000	100
<b>DEMA Homeland Security Grant</b>	-			0
Total Intergovernmental Revenue Police		29,729	38,000	78
Total Revenues	\$ 7,350	\$ 1,467,533	\$ 1,622,398	90%

# TOWN OF FENWICK ISLAND STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL - GENERAL FUND - CONTINUED FOR THE PERIODS ENDED MARCH 31, 2009

	etual arch 09		Actual g - Mar 09	2	Budget	% of Budget
Expenditures						
POLICE DEPARTMENT						
Police Salaries	\$ 18,640	\$	178,120	\$	300,000	59%
Police Life Insurance	95		865		1,250	69%
Police Health Insurance	4,041		32,072		72,000	45%
Police Payroll Taxes	1,840		16,520		24,000	69%
Police Pension Expense						
Police - State Pension Payments	-		(43,246)		(36,000)	120%
Police Pension Expense	 2,340		47,424		36,000	132%
Police Pension Expense - Net	 2,340		4,178		=	100%
Police Workers Compensation	-		22,360		21,000	106%
Police Supplies	50		1,112		1,000	111%
Police Office Equipment Maintenance	239		2,653		5,000	53%
Police Printing & Advertising	( <del>-</del>		1,417		2,000	71%
Police Uniforms	-		3,764		5,000	75%
Police Computers	18 <b>4</b> 2		1,952		4,000	49%
Police Vehicle Maintenance	123		3,999		5,000	80%
Police Gas & Oil	553		8,483		18,000	47%
Police Vehicle Acquisition	9 <del>-</del>		23,927		25,000	96%
Police Training	 113	<b></b>	2,579		3,000	86%
TOTAL POLICE DEPARTMENT	\$ 28,034	\$	304,001	\$	486,250	63%

# TOWN OF FENWICK ISLAND STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL - GENERAL FUND - CONTINUED FOR THE PERIODS ENDED MARCH 31, 2009

	Act Marc		Actual - Mar 09	_	Budget	% of Budget
Expenditures						
LIFEGUARDS						
Lifeguard Salaries						
Lifeguard Salaries - State	\$	÷	\$ 19,658	\$	(2)	100%
Lifeguard Salaries - Town		1,461	44,294		180,000	25%
Total Lifeguard Salaries		1,461	63,952		180,000	36%
Lifeguard Payroll Taxes						
Lifeguard Payroll Taxes - State		( <del>*</del>	1,624			100%
Lifeguard Payroll Taxes - Town		144	 3,661		14,400	25%
Total Lifeguard Payroll Taxes		144	5,285		14,400	37%
Lifeguard Workman's Comp		1.50	10,248		14,418	71%
Lifeguard Supplies & Equipment			1,657		3,000	55%
Lifeguard Uniforms		-	63		6,000	1%
Lifeguard Junior Guards		(45)	(90)		400	-23%
Lifeguard Chair & Sign Maintenance		12	189		500	38%
Lifeguard Training		-	102		500	20%
Lifeguard USLA Certification		2.5	3 <u>-</u>		900	0%
Lifeguard Gasoline		=	145		200	73%
Lifeguard Miscellaneous	·		 60	-	500	12%
TOTAL LIFEGUARDS	\$	1,560	\$ 81,611	\$	220,818	37%

# TOWN OF FENWICK ISLAND STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL - GENERAL FUND - CONTINUED FOR THE PERIODS ENDED MARCH 31, 2009

	Actual arch 09	Actual g - Mar 09	Budget	% of Budget
Expenditures				
PUBLIC WORKS DEPARTMENT				
Public Works Salaries	\$ 11,973	\$ 96,502	\$ 150,000	64%
Public Works Life Insurance	62	554	800	69%
Public Works Health Insurance	2,697	19,333	32,000	60%
Public Works Payroll Taxes	1,182	8,200	12,000	68%
Public Works Pension Expense	1,093	8,209	13,000	63%
Public Works Workman's Comp Insurance	-	12,112	12,500	97%
Public Works Training	-	120	1,500	8%
Public Works Office Supplies	121	4	500	1%
Public Works Shop Supplies	99	769	2,500 .	31%
Public Works Shop Equipment	53	958	2,000	48%
Public Works Printing & Advertising		10	700	0%
Public Works Utilities	628	3,595	5,000	72%
Public Works Bldg Maintenance	76	166	1,000	17%
Public Works Uniforms	341	234	1,500	16%
Public Works Gas & Oil	226	2,312	8,000	29%
Public Works Repairs & Maintenance	295	1,267	3,000	42%
Public Works Landfill Charges	.=	(3,440)	-	100%
Public Works Miscellaneous Expense	:=	39	500	8%
Public Works CDL Testing	 65	400	 1,000	40%
TOTAL PUBLIC WORKS DEPARTMENT	\$ 18,449	\$ 151,334	\$ 247,500	61%

# TOWN OF FENWICK ISLAND . STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL - GENERAL FUND - CONTINUED FOR THE PERIODS ENDED MARCH 31, 2009

		etual arch 09		Actual g - Mar 09	 Budget	% of Budget
Expenditures						
ADMINISTRATION						
Administration Salaries	\$	9,175	\$	110,668	\$ 175,000	63%
Administration Life Insurance		36		379	600	63%
Administration Health Insurance		2,497		20,538	42,000	49%
Administration Payroll Taxes		906		9,008	14,000	64%
Administration Pension Expense		587		10,892	16,000	68%
Administration Workers Comp		-		-	1,700	0%
Administration Financial Services		3,000		21,500	30,000	72%
Administration Office Equip Maintenance		980		7,919	8,000	99%
Administration Office Supplies		395		3,373	11,000	31%
Administration Travel Reimbursement				864	3,000	29%
Administration Vehicle Acquisition		358		2,867	5,000	57%
Administration Vehicle Fuel/Maintenance		22	*	628	3,000	21%
Administration Printing & Advertising		~		84	2,000	4%
Administration Miscellaneous Expenses		V2		105	<b>≈</b> 3	100%
Administration Training				280	2,000	14%
Administration Parking Permits		1,058		1,058	3,000	35%
Administration Capital Expenditures	_		_	1,715	 	100%
TOTAL ADMINISTRATION	\$	19,014	\$	191,878	\$ 316,300	61%

#### A PROFESSIONAL CORPORATION . CERTIFIED PUBLIC ACCOUNTANTS

DAVID R. URIAN, CPA
DAVID C. DOANE, CPA
CHARLES H. STERNER, JR. CPA, CVA
SHELDON L. FORNEY, CPA
JAY M. STEVENS, CPA, PFS
ROGER R. REED, CPA
ELAINE E. GRAVES, CPA

TRUITT W. JEFFERSON, CPA, DIRECTOR
RETIRED

ANITA Y. SMITH, MEd, DIRECTOR BRYAN L. HUDSON, CPA, DIRECTOR

To the Town Council Town of Fenwick Island Fenwick Island, Delaware

We have compiled the accompanying statement of revenues and expenditures - budget and actual - general fund of the Town of Fenwick Island for the periods ended March 31, 2009 in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The financial statements have been prepared on the modified cash basis of accounting.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

Management has elected to omit substantially all of the disclosures ordinarily included in financial statements prepared on the modified cash basis of accounting. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Town's revenues and expenditures. Accordingly, these financial statements are not designed for those who are not informed about such matters.

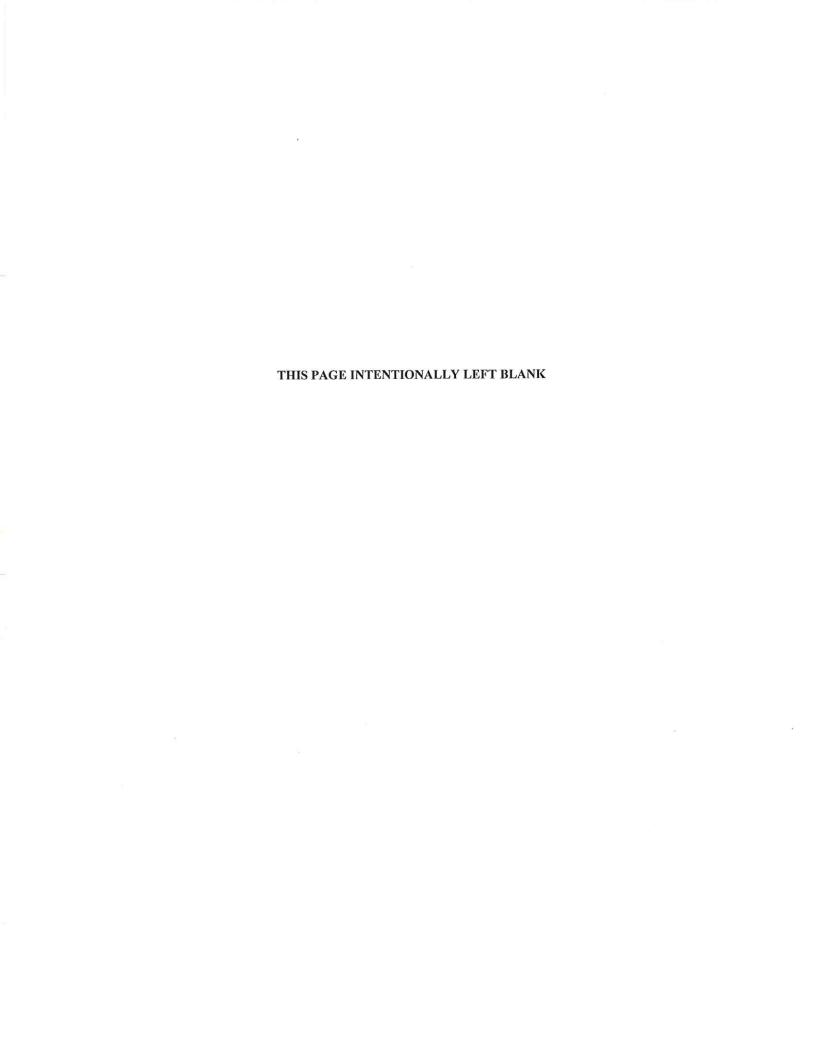
We are not independent with respect to the Town of Fenwick Island.

Jefferson, Urian, Doane & Sterner, P.A.

Ocean View, Delaware April 14, 2009

## TOWN OF FENWICK ISLAND STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL - GENERAL FUND - CONTINUED FOR THE PERIODS ENDED MARCH 31, 2009

	Actual March 09	Actual Aug - Mar 09	Budget	% of Budget
Expenditures				
GENERAL GOVERNMENT				
General Government Insurance	\$ -	\$ 58,544	\$ 65,000	90%
General Government Telephone	1,240	5,421	8,100	67%
General Government Website	-	107	2,500	4%
General Government Legal	160	7,214	30,000	24%
General Government Audit	=	8,428	8,000	105%
General Government Postage	-	1,800	6,000	30%
General Government Printing & Advertising	94	1,078	5,000	22%
General Government Utilities	839	10,517	14,000	75%
General Government Appraisal	-	*	5,500	0%
General Government Ambulance Service	5,987	17,960	27,730	65%
General Government Sewer	.=	345	400	86%
General Government Dues	-	290	1,500	19%
General Government Service Grants	-	-	2,500	0%
General Government Recycling	790	7,712	=:	100%
General Government Building Maintenance	209	3,964	6,000	66%
General Government Cell Phones	381	3,068	7,000	44%
General Government Contract Services	286	3,258	10,500	31%
General Government County Fee Tax Billing	:₩	-	800	0%
General Government Miscellaneous	5,209	7,504	7,000	107%
General Government Employee Relations	113	2,533	4,000	63%
General Government Codification	975	975	5,000	20%
General Government Pension Administration	\$ <del>7</del> .	644	3,000	21%
General Government Government Liaison	20	1,311	2,500	52%
General Government Median Maintenance	25	25	4,000	1%
General Government Community Projects	21	168	2,500	7%
General Government Community Outreach	W.	341	2,000	17%
General Government Comprehensive Plan	( <del>E</del>	1,635	-	100%
General Government Trash Collection	9,626	77,010	121,000	64%
General Government Capital Expenditures		253,000		100%
TOTAL GENERAL GOVERNMENT	25,975	474,852	351,530	135%
Total Expenditures	93,032	1,203,676	1,622,398	74%
EXCESS REVENUES OVER (UNDER) EXPENDITURES	\$ (85,682)	\$ 263,857	\$ <u>-</u>	



TOWN OF FENWICK ISLAND
REALTY TRANSFER TAX FUND
FOR THE PERIODS ENDED MARCH 31, 2009
FYE JULY 31, 2009

ENDING BALANCE	\$ 1,769,785	1,762,466	1,805,077	1,557,734	1,575,272	1,591,978	1,593,173	1,633,041	1,633,041	1,633,041	1,633,041	1,633,041	\$ 1,633,041
TRANSFERS OUT		(10,000)		(249,756)	10,000	,	•	ì	<b>(1</b> )	1	ì	1	(249,756)
TRANSFERS <u>IN</u>	ï	ji (	1	,	ı	31	•	,	<b>31</b>	•	ı	ı	
INTEREST	2,685	2,681	4,136	2,413	1,988	16,706	1,195	868					32,672
TAXES COLLECTED	10,125	(1)	38,475	1	5,550	r	ı	39,000					93,150
STARTING BALANCE	\$ 1,756,975	1,769,785	1,762,466	1,805,077	1,557,734	1,575,272	1,591,978	1,593,173	1,633,041	1,633,041	1,633,041	1,633,041	\$ 1,756,975
MONTH	August '08	September '08	October '08	November '08	December '08	January '09	February '09	March '09	April '09	May '09	June '09	60, kJnr	TOTALS

## TOWN OF FENWICK ISLAND Monthly Reconciliation Of Checking and Savings Accounts For the Periods Ended March 31, 2009

Checking - PNC Bank of Delaware		Ending		Beginning
General Fund - sweep	\$	90,158.95	\$	73,689.50
Petty Cash		200.00		200.00
MSA Fund		3,009.82		2,714.53
Payroll Fund - sweep		<u> </u>		=-
SALLE Fund		3.28		3.28
EIDE Drug Enforcement				208.82
Criminal Justice		126.06		126.06
Parks & Recreation Fund - sweep		7) <b>48</b>		
SLEAF Fund		30.00		30.00
Total Checking	\$	93,528.11	\$	76,972.19
Savings - PNC Bank of Delaware				
MSA Fund Savings	\$	11,278.13	\$	14,271.12
General Fund Savings		7,898.12		7,894.18
Realty Transfer - Non Reserve		55,525.19		16,518.32
Total Savings	\$	74,701.44	\$	38,683.62
Total Cash	\$	168,229.55	\$	115,655.81
INVESTMENTS				
Wilmington Trust Company - DELGIP				
General Fund Savings	\$	630,425.16	\$	730,264.45
Beach Replenishment		35,329.58		35,321.84
Realty Transfer Non Reserve		567,403.38		567,278.57
Realty Transfer Reserve		315,108.04		315,038.68
Certificates of Deposit and Other Investments				
Realty Transfer Fund		247 000 76		347,002.76
WTC 6 Month CD @ 1.35%		347,002.76 174,691.83	_	174,264.00
PNC 13 Month CD @ 2.8% Edward Jones Investments - CD's		173,310.38	_	173,071.18
Edward Jones Investments - CD's		173,310.30	_	173,071.10
Total Investments	\$	2,243,271.13	\$	2,342,241.48
Total Cash & Investments	\$	2,411,500.68	\$	2,457,897.29
RESERVE ACCOUNTS	-	, ,,,,,,		4 004 54
Parks & Postostion	\$	1 464 90	1 %	1 801 54

Parks & Recreation Compensated Absences Police Pension

\$ 1,464.90	\$ 1,801.54
19,094.00	19,068.00
-	-

Interim Town Manager's Report – April 2009

<u>E-911 Address Update</u> – We have been working with Sussex County to update the E-911 address system. We have provided the county with the list of properties that will only have to update their street address number on an existing street name. In most cases this is necessary because more than one property on the street had the same numerical address. The county will notify the property owners, post office and emergency services of the new street address.

<u>E-911 Street Name Update</u> – The names of a few streets will have to be changed to conform to the policy that was adopted by Sussex County. The new name has to be unique in the zip code and emergency response district. We have forwarded several possible street names to the county and have received approval for the following names: Dolphin Street, Ensign Street, Aqua Street, and Mermaid Street. We were trying to suggest nautical or beach names. The county has recommended that the Town suggest one or two names to property owners on a street whose name needs to be changed in order to see if they accept the suggested name. Hopefully, the property owners will reach a consensus on a name that is acceptable to the county. In the final analysis, the Town or the County may need to adopt the new street name if the property owners do not reach a consensus. I have been working with Building Official Pat Schuchman to coordinate these efforts.

Artesian Water System Upgrade – A few months ago we notified the Artesian Water Company of the Town's concern about the frequent service interruptions residents and businesses had experienced last summer. Artesian previously installed several tee-connectors that turned out to be defective. These tees are generally located on Coastal highway at the intersections of local streets. Artesian plans to have three crews working to replace all of the defective equipment prior to the end of May. They will notify the affected property owners of the temporary service interruptions that will be necessary during the construction.

## TOWN OF FENWICK ISLAND BUILDING REPORT MARCH 2009

PERMIT#	PROPERTY	PROJECT	E.C.C.	TOTAL
	DESCRIPTION	DESCRIPTION	A # 0.0 0.0	050.00
3715	J & J Bulkheading	2 piles for jet ski lift	\$500.00	\$50.00
	J. King			
	905 Schulz Road			
	Lot 424			
	1-34 23.16 29.00		A10 105 00	0264.00
3728	Shore Siding, Inc.	New cedar impressions	\$12,125.00	\$364.00
	M.P. Kyle	siding		
	1205 Bunting Avenue			
	Lot 3			
2522	1-34 23.12 221.00	143 103 11 1	φ1 000 00	050.00
3729	R. Picard	14'x10' ground level	\$1,000.00	\$50.00
	38 W. Atlantic St.	deck		
	Lot 96			
2722	1-34 23.16 128.00		<b>015 000 00</b>	£450.00
3730	Leslie Reese	New vinyl siding and	\$15,000.00	\$450.00
	28 W. West Virginia Av	replacement windows		
	Lots 155 & P/O 156			
0701	1-34 23.20 34.00	D 10 111 1	610,000,00	\$300.00
3731	Droney Marine Const.	Repair 8 pilings under	\$10,000.00	\$300.00
	D. Dent	house		
	15 W. Farmington St. Lot 198	l i		
	1-34 23.12 88.00	1		
3733	R. Picard	Install 14'x28' in-ground	\$9,600.00	\$288.00
3/33	3 E. Indian St.	pool, ground level deck &	\$9,000.00	\$∠00.00
	Lot 9	4'x75' vinyl fence		
	1-34 23.12 181.00	4 x/3 villyl leffce		
3734	J. Griffin	Replace screens in 9'x24'	\$4,500.00	\$90.00
3734	7 E. Dagsboro St.	porch w/Eye-Breeze	\$4,500.00	\$90.00
	Lot 8	Porch Enclosure		
	1-34 23.16 222.00	Forch Enclosure		
3736	DCS Home Improvement	Replace portion of flat	\$6,269.00	\$188.00
3730	P. Lorenz	roof	Ψ0,209.00	Ψ100.00
	1605 Bay St.	1001		
	Lot 9			
	1-34 23.08 46.00			
	1 3 1 23.00 40.00			
	TOTAL	1	\$58,994.00	\$1,780.00
	TOIME		420,77 HOU	22,,,00,00
		<del></del>		

## PUBLIC WORKS DEPARTMENT REPORT March 5, 2009 to April 8, 2009

The following activities have been performed by the Public Works Department for this time period.

- Drainage, shoulder, sign, and post work was performed throughout this time frame.
- Routine maintenance of buildings, equipment, and grounds was performed during this time frame.
- Cleaning of beach ends
- Install screening stone on 11 beach ends.
- Fertilize median, park, and town hall bushes.
- Install and anchor 12 benches on dunes.
- Install Town of Fenwick Island sign in town hall.
- Stain 14 bike racks.
- Dan and Charlie attended a two day hurricane workshop.
- Obtain, Remove, and replace glass and paint around frame north side of main hall door.
- Grade south shoulder on W. Georgetown Street 155 feet
- Grade north shoulder on W. Essex Street 250 feet
- Install 14 feet of 10 inch storm drain pipe W. Indian Street.

Respectfully submitted,

Thomas J. Wontorek Interim Town Manager

## FENWICK ISLAND POLICE DEPARTMENT

## **MEMORANDUM**

TO:

PRESIDENT

**COUNCIL MEMBERS** 

**CITIZENS** 

FROM:

Chief William Boyden

DATE:

April 8, 2009

SUBJECT: MONTHLY REPORT

Attached you will find the Police Report for the month of March 2009. The report is submitted for your review and approval.

## Summary of report:

	2009	2008
Traffic Arrests/Citations	122	112
Total Number of Complaints	50	41
DUI Arrests	0	0
Criminal Arrests	1	2
Parking Tickets	4	5

TO:

Fenwick Island Town Council

FROM:

Winnie Lewis, Chair, Parks & Recreation Committee

The Parks and Recreation Committee posted a meeting for April 14, 2009 @11 AM.

Members of the Committee:

Barbara McCoy Absent
Vivian Jennings Absent
Gail Warburton Absent
Gretchen Collins Absent

Jean Nedwick

Absent - Resigned

Winnie Lewis

Present

In the absence of a quorum no action was taken on the agenda items:

- Plan Recreational Activities for Summer 2009
- Next Meeting Date

Respectfully Submitted,

Winnie Lewis WL/adip

TO:

Fenwick Island Town Council

FROM:

Winnie Lewis, Chair, Planning Commission

The Cultural and Historic Preservation Sub-committee met on Tuesday April 14, 2009

- Members continue interviews and research
- Old Fenwick Island Days
  - A walking tour brochure will be developed. No cell phone tour this year. Members will coordinate with FIPD for parking on the "Walking Tour" day.
  - Members approved the poster and photo displays.
  - Members formulated an "agenda" for the week's activity and discussed the Fenwick Festival in the Park.
  - A skeleton budget was developed. Planning Commission will request funds from Town Council and seek sponsorship from local organizations. A request for grant funds has been made to the Delaware Humanities Forum for assistance.

## Planning Commission met on Tuesday April 14, 2009

- The Planning Commission abandoned its request that council approve its proposal to replace the current Parks and Recreation/Beautification Committee with a Planning Commission Sub-committee to be known as the Parks and Recreation Sub-committee. Instead, the Commission has established a Parks and Recreation Advisory Group to assist it with research on those implementation objectives originally assigned to the Town Committee. Members were proposed and Winnie Lewis will contact each to determine their willingness to assist. A meeting of the advisory group is scheduled for Thursday May 14, 2009 @2PM.
- As a result of recent discussion regarding the development/re-development of the commercial area, the Planning Commission will host a Saturday public workshop to review the concept of an "Overlay District." Bryan Hall, State Office of Planning, has consented to attend and to present information so that the Planning Commission might be able to better judge public sentiment toward the concept. Meeting is scheduled for Saturday June 13, 2009 from 10AM to noon and the public is encouraged to attend.
- The Planning Commission approved the Cultural and Historic Sub-committee plans for Old Fenwick Island Days.
- Next meeting date is May 12, 2009. C&HP now requires more time and will extend its 1 PM meeting for 1 ½ hours. Planning Commission will meet at 2:30 PM.

Respectfully Submitted,

Winnie Lewis WL/adip

#### Chapter 160 - Zoning:

#### Add:

#### Chapter 160-2B (Definitions and Word Use):

RENEWABLE ENERGY SYSTEM – Energy generated from natural resources such as but not limited to sunlight, wind and geothermal heat which are renewable (naturally replenished).

#### Add:

#### Chapter 160-7 - Renewable Energy Systems:

- A. Solar Energy System:
  - 1. A solar energy system is renewable energy system designed and used to obtain energy from the sun in order to supply energy to a principal use or structure. Such system(s) may include but not be limited to solar hot water, air heating and cooling, and photovoltaic systems. These system shall be allowed under the following conditions:
    - a. The solar energy system must be located on the same lot as the principal use which it is serving or on an adjacent lot in the case of a common system servicing more than one principal use or structure.
    - b. The system must comply with all applicable building, plumbing, electrical and Town codes. Systems must be installed according to manufacturers' specifications.
    - c. No systems shall be permitted in setback areas.
    - d. No freestanding systems shall be permitted.
  - 2. Roof mounted solar energy systems shall be allowed to exceed the maximum height requirement by a maximum of 36 inches.

This proposed amendment will provide for the renumbering of former sections §160-7 through §160-13 as §160-8 through §160-14.

Posted: April 15, 2009

#### **EXISTING:**

#### **CHAPTER 52 - BEACHES:**

# ARTICLE III. Activities Prohibited on Dunes Within Corporate Limits of Town

## § 52-12. Prohibited activities.

A. It shall be unlawful for any person to operate any equipment or ride or drive any horses or other animals on, over or across the primary dune or beach.

B. It shall be unlawful for any person to walk on, over or across the primary dune except at those locations specified by the State of Delaware or the Town of Fenwick Island, Delaware.

C. It shall be unlawful for any person to remove sand from the beach or dune, or alter, move, remove or destroy any sand fence, barrier, sign, facility, improvement or structure installed and maintained by the State of Delaware or the Town of Fenwick Island, Delaware, for the enhancement, preservation or the protection of the beach.

D. It shall be unlawful for any person to kill, destroy or remove any trees, shrubbery, beach grass or other vegetation growing on the beach or dunes.

E. It shall be unlawful for any person other than state or Town officials to operate any automobile, OHV or other type of motor vehicle over any sand dune or stretch of sand eastward of the easternmost building setback line along Bunting Avenue.

## § 52-13. Exempt activities.

State of Delaware or Town of Fenwick Island, Delaware, official or authorized personnel or activities on the primary dune or beach are exempt from the provisions of this article.

## § 52-14. Violations and penalties.

Any person violating Article  $\underline{III}$  prohibitions shall be fined and imprisoned commensurate with DNREC and or state guidelines.

#### PROPOSED:

## § 52-14. Violations and penalties.

Any person convicted of violating Article III prohibitions shall be fined \$250.00. Each day of a separate continuing violation shall be deemed a separate offense.

Posted: March 16, 2009 Posted March 30, 2009 For more information, contact Mark Derowitsch, Public Relations Manager, at mderowitsch@arborday.org or call 888-448-7337.



We inspire people to plant, nurture, and celebrate trees.

#### FOR IMMEDIATE RELEASE:

## Fenwick Island Named Tree City USA® by the Arbor Day Foundation

Fenwick Island, DE has been named a Tree City USA community by the Arbor Day Foundation to honor its commitment to community forestry.

It is the fourth year Fenwick Island has received this national recognition.

The Tree City USA program is sponsored by the Arbor Day Foundation in cooperation with the National Association of State Foresters and the USDA Forest Service.

Fenwick Island has met the four standards to become a Tree City USA community: having a tree board or department, a tree care ordinance, a comprehensive community forestry program, and an Arbor Day observance and proclamation.

Communities that receive Tree City USA recognition not only have taken the time to meet these four standards, they recognize that:

- Trees promote healthier communities. Leaves filter the air we breathe by removing dust and other particles.
- Trees moderate climate, conserve water and provide habitat for wildlife.
- Trees in urban areas reduce the heat island effect caused by pavement and buildings.
- Properly placed trees can increase property values, and buildings in wooded areas rent more quickly and tenants stay longer.

"A community, its elected officials and its citizens that provide needed care for its trees deserves recognition and thanks," said John Rosenow, chief executive of the Arbor Day Foundation. "Trees are a vital component of the infrastructure in our cities and towns, and they also provide environmental and economical benefits. Cities that are recognized with a Tree City USA designation go to great lengths to plant and care for the community forest."

More information about Tree City USA can be found at www.arborday.org/TreeCityUSA.

## **About the Arbor Day Foundation**

The Arbor Day Foundation is a nonprofit, environmental, an education organization of nearly one million members, with a mission to inspire people to plant, nurture, and celebrate trees. More information on the Foundation and its programs can be found at <a href="https://www.arborday.org">www.arborday.org</a>.

